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10/554,230	10/25/2005	Norbert Stampfl	AT 030026	7950
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PHILIPS INTELLECTUAL PROPERTY & STANDARDS			HOANG, SON T	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Supplemental

Office Action Summary

Application No.

10/554,230

Applicant(s)

STAMPFL, NORBERT

Examiner

Son T. Hoang

Art Unit

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 25 October 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-14 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 25 October 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)

Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application

6) Other: _____.

DETAILED ACTION

1. This instant Office action replaces the Office action sent out on September 10, 2007.

This instant application having Application No. 10/554,230 has a total of 14 claims pending in the application; there are 2 independent claims and 12 dependent claims, all of which are ready for examination by the Examiner.

Oath/Declaration

2. The Applicant's oath/declaration received on October 25, 2005 is found to conform to the requirements prescribed in **37 C.F.R. 1.63**.

Information Disclosure Statement

3. There is no Information Disclosure Statement submitted for examination purposes.

Priority

4. The Applicant's claim for foreign priority of European Patent Application No. EP 031001165.3, filed on April 28, 2003. The Examiner takes the filing date of April 28, 2003 into consideration.

Specification

5. The Specification is objected by the Examiner. Evidently, at least "*Background of The Invention*", "*Brief Summary of the Invention*", and "*Detailed Description of The Invention*" sections are missing. Appropriate corrections are required.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Abstract

6. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.
7. The abstract of the disclosure is objected due to the use of implied language. Note that in the abstract, the language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied,

such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc... See MPEP § 608.01(b). Correction is required.

Drawings

8. The drawings were received on October 25, 2005. These drawings are objected since most of the items are not labeled in Figures 1 and 2.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate Paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this Section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. **Claims 1, 6; 7, 12-14;** are rejected under 35 U.S.C. 102(e) as being anticipated by Kotani et al. (Pub. No. US 2002/0059215, filed on October 29, 2001; herein after Kotani).

Regarding **claim 1**, Kotani clearly shows and discloses a method for automatically searching at least one information source (2, 3) accessible through a data network (6) for contents (4A-4F) that are supplied by this information source (2, 3) and satisfy at least one predefined criterion, which contents comprise useful information (NI) and metadata (ZI) that characterizes the useful information (NI), the information source (2, 3) changing the content supplied by it under the control of control signals (CTRL) (*Figure 8*), comprising:

selecting an information source (2, 3) (Step S801 of Figure 8 shows the directory where search object data are stored is checked to generate a processing list of search object data, [0075]),

receiving at least a part of the content (4A-4F) supplied by the information source (2, 3) selected, which part contains the metadata (ZI) (Step S802 of Figure 8 shows the counter 'i' of the processing list is set to '1', e.g., starting with the first object data in the processing list. In step S803, still image data contained in a file of the i-th search object data in the processing list is mapped. In step S804, meta-data contained in the search object data is extracted, [0075]);

analyzing the metadata (ZI) in respect of the predefined criteria and (The extracted meta-data is compared with the search condition. For example, it is checked if 'str2' matches the data value of the search keyword, [0078]),

if the criteria are satisfied, processing the useful information (NI) received (It is checked in step S806, if a description of meta-data that matches the search condition is found. If YES in step S806, the flow advances to step S807, and the 'i-th' search object data is registered in a search result list, [0079]), and

for as long as the at least one predefined criterion is not satisfied, generating a control signal (CTRL) and transmitting it to the information source (2, 3) to change the content (4A-4F) supplied by the information

source (2, 3), and again receiving at least a part of the content (4A-4F) supplied by the information source, which part contains the metadata (ZI), and analyzing the metadata (ZI) in respect of the predefined criteria (*Figure 8 shows that at step S806, if the meta-data of 'i-th' search object data does not match with user's search condition, the process will skip to step S808 where it will determine if all search data objects have been processed or not, if not, the process will increase the value of 'i-th' by 1, e.g., process the next object data in the list and go through all the steps as described above*).

Regarding **claim 6**, Kitano further discloses a method, characterized in that the processing of the useful information (NI) includes the recording of this information on a data carrier (*Also, the data input / output unit 100 writes data such as images and the like in the memory card, [0036]*).

Regarding **claim 7**, Kotani clearly shows and discloses a search arrangement (1) for automatically searching at least one information source (2, 3) accessible through a data network (6) for contents (4A-4F) that are supplied by this information source and satisfy at least one predefined criterion, which contents comprise useful information (NI), and metadata (ZI) that characterizes the useful information (NI), the information source (2, 3) changing the content (4A-4F) supplied by it under the control of a control signal (CTRL) (*Figures 1-3*), which search arrangement (1) has receiving means (5) that are arranged to select a connection to an information source (2, 3) and to receive useful

information (NI) and metadata (ZI) from the information source (2, 3) selected (*Data input / output unit 100 reads data of images and the like sensed by a digital camera or memory card or PC card, USB, [0036]*), and which search arrangement (1) has analyzing means (7) that are arranged to analyze the metadata received (ZI) in respect of the at least one predefined criterion (*Control programs required for the processes shown in the flow charts of Figure 6 and subsequent figures are stored in the storage unit 102 or ROM 105, [0037]*) and, if the criterion is not satisfied, to generate and emit an activating signal (NE) that represents the non-satisfaction, and which search arrangement (1) has processing means (9) (that are arranged to process the useful information (NI) received, and which search arrangement (1) has control-signal generating means (14) that are arranged to generate the control signal (CTRL) and transmit it to the information source (2, 3) to change the contents (4A-4F) supplied by the information source (2, 3), the control-signal generating means (14) being so arranged that they can be activated by the analyzing means (7) with the help of the activating signal (NE) (*Control programs required for the processes shown in the flow charts of Figure 6 and subsequent figures are stored in the storage unit 102 or ROM 105, [0037]*).

Regarding **claim 12**, Kitano further discloses a search arrangement, characterized in that input means (15) are provided for the input of criteria for the contents and/or for the input of information-source addresses (*An input unit 101*

is a device for inputting user's instructions and data, and includes a keyboard and pointing device, [0036]).

Regarding **claim 13**, Kitano further discloses a search arrangement, characterized in that the processing means (9) are connected to display means (10) and/or audio reproduction means (11) and/or means (12) for recording useful information (*First display means for displaying information the represents the search object data in the form of a list. The second display means for extracting meta-data contained in the search object data designated by the designation means, and displaying the extracted meta-data, [0009]-[0011]).*

Regarding **claim 14**, Kitano further discloses a search arrangement for processing useful information having a search arrangement as claimed **claim 7** (*An input unit 101 is a device for inputting user's instructions and data, and includes a keyboard and pointing device, [0036]).*

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 2-4, 9-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotani et al. (Pub. No. US 2002/0059215, filed on October 29, 2001; herein after Kotani) in view of Anderson (Pat. No. US 6,427,165, filed on November 18, 1998).

Regarding **claim 2**, Kotani does not disclose the transmission of searching process to the information source (2, 3) is carried out for as long as the at least one predefined criterion is not satisfied.

Anderson discloses a determination is made whether an information source, a node on the network, satisfy the search criterion by containing the desired information, also known as 'hit'. If no information source is found, the network continues to be searched until a predetermined condition is met, e.g., a time-out period has passed or until a site containing the desired information is found ([Column 4, Lines 32-39]).

It would have been obvious to a person with ordinary skills in the art at the time of the invention to incorporate the teachings of Anderson with the teachings of Kotani for the purpose of searching the network for the information based upon a predetermined criterion and locating the information on a node of the network where the information is stored. ([Column 1, Line 65 → Column 2, Line 6] of Anderson).

Regarding **claims 3, and 9**, Anderson further discloses the abort criterion being defined as failure to receive metadata from the information source selected at the time within a predefined period of time (*If no information source is found,*

the network continues to be searched until a time-out period has passed, [Column 4, Lines 32-39]).

Regarding **claims 4, and 10**, Anderson further discloses selection of another information source (3, 2) other than the information source (2, 3) that was selected when the abort criterion was met (*If the connection rate has such a low value that the download time for a given size of information file is too great, then time will not be wasted in attempting to download the information and an alternative node containing the desired information may be located, [Column 5, Lines 4-11]).*

13. **Claims 5, and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotani et al. (Pub. No. US 2002/0059215, filed on October 29, 2001; herein after Kotani) in view of Anderson (Pat. No. US 6,427,165, filed on November 18, 1998) and further in view of Gawande et al. (Pat. No. US 6,829,338; filed on October 2, 2002; hereinafter Gawande).

Regarding **claims 5, and 11**, Kotani and Anderson do not disclose after the last available information source (3, 2) has been selected and an abortion criterion was met, discontinuation of the search on information source (2, 3) is carried out for a predefined period of time and then continue again.

Gawande discloses most traffic sources have a timeout mechanism in which, after a fixed period, a query with no response is either resent to the server or to another server, or is abandoned. Under server overload, the server

throughput drops and the query response time is also delayed, resulting in time-outs, retrials or abandonment of queries at the traffic source ([Column 1, Lines 56-62]).

It would have been obvious to a person with ordinary skills in the art at the time of the invention to incorporate the teachings of Gawande with the teachings of Kotani and Anderson for the purpose of mitigating the effect of overloads ([Column 1, Lines 50-51] of Gawande).

14. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kotani et al. (Pub. No. US 2002/0059215, filed on October 29, 2001; herein after Kotani) in view of Ueda et al. (Pub. No. US 2002/0003840; published on January 10, 2002; hereinafter Ueda).

Regarding **claim 8**, Kotani does not disclose the abort condition is defined as repeated reception of the same metadata (ZI) from the same information source (2, 3) and in that, if this abort criterion is met, the analysis of the metadata (ZI) received from the selected information source (2, 3) is terminated.

Ueda discloses the repetition terminating condition may be a compound condition, such as error-free decoding or a limit number of repetitions or reception of an embedded stream header ([0075] and Figure 1).

It would have been obvious to a person with ordinary skills in the art at the time of the invention to incorporate the teachings of Ueda with the teachings of

Kotani for the purpose of analyzing the basis of the stream header ([0014] of Ueda).

Conclusion

15. These following prior arts made of record and not relied upon are considered pertinent to Applicant's disclosure:

Meyer et al. (Pub. No. US 2001/0031066) teaches connected audio and other media objects.

Eyal (Pat. No. US 4,641,347) teaches system and method for media search and playback.

McCartney et al. (Pub. No. US 2002/0178276) teaches methods and systems for processing media content.

Adya et al. (Pub. No. US 2003/0037022) teaches locating potentially identical objects across multiple computers..

The Examiner requests, in response to this Office action, support(s) must be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Hoang whose telephone number is (571) 270-1752. The Examiner can normally be reached on Monday - Friday (7:30 AM – 4:00 PM).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mohammad Ali can be reached on (571) 272-4105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S.H./

Son T. Hoang

Patent Examiner

October 1, 2007

M. Hoang
SPE 2169